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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 28 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Application of)

TELEPHONE AND DATA)
SYSTEMS, INC.)

CC Docket No. 94-11

For facilities in the)
Domestic Public Cellular)
Telecommunications Radio)
Service on Frequency Block B)
in Market 715, Wisconsin 8)
(Vernon), Rural Service Area)
Market No. 715)

File No.
10209-CL-P-715-B-88

To: Honorable Joseph P. Gonzalez
Administrative Law Judge

CONSOLIDATED OPPOSITION TO
MOTION FOR LEAVE TO INTERVENE AND
MOTION FOR MODIFICATION OF ISSUES AND CAPTION

THE SETTLEMENT GROUP,¹ by their attorney, respectfully oppose the Motion for Leave to Intervene filed by Wisconsin RSA #8, Inc. under date of March 17, 1994, and the companion Motion for Modification of Issues and Caption filed by Telephone and Data Systems, Inc. (TDS) and United States Cellular Corporation (USCC) under date of March 17, 1994. The Settlement Group submits that the motions should be rejected as unsupported and inappropriate. In opposition thereto, the Settlement Group respectfully shows:

¹ Century Cellunet, Inc., Contel Cellular, Inc., Coon Valley Farmers Telephone Company, Inc., Farmers Telephone Company, Hillsboro Telephone Company, LaValle Telephone Cooperative, Monroe County Telephone Company, Mount Horeb Telephone Company, North-West Cellular, Inc., Richland-Grant Telephone Cooperative, Inc., Vernon Telephone Cooperative and Viroqua Telephone Company.

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The Motion for Modification of Issue and Caption claims that it was filed "to correct an erroneous identification of the applicant" in this proceeding, reciting that a pro forma assignment of the authorization for Wisconsin 8 to Wisconsin RSA # 8, Inc. was effected in File No. 08429-CL-AL-1-91, and that subsequently a pro forma transfer of control of the authorization to USCC was effected in File No. 05430-CL-TC-1-92. From this premise movants jump to the conclusion that "[t]he HDO is, therefore, incorrect in identifying TDS as the Wisconsin RSA Number 8 applicant". They thus request that the caption be changed to specify Wisconsin RSA # 8, Inc. as the applicant and that Issue No. 2 be amended to inquire whether Wisconsin RSA # 8, Inc., in lieu of TDS, has the requisite character qualifications to be a licensee.

Wisconsin RSA # 8, Inc. separately requests leave to intervene asserting that it is the applicant in the proceeding, not TDS, and that it "is clearly a party in interest".

The motions should be denied in full. First of all, it is simply not true that Wisconsin RSA # 8, Inc. is the applicant in this proceeding; and it could not be the applicant unless leave were granted to substitute it for TDS. In point of fact, TDS was the original applicant, and the Commission's rescission in the HDO of the license previously granted by the staff plainly restored the status quo ante in this case. The subsequent assignment of license and transfer of control of license effected by TDS were thus voided

when the grant was rescinded by the HDO; and those transactions now are entirely irrelevant to this proceeding.

This analysis is underscored by the fact that the HDO explicitly granted interim operating authority to TDS, not to Wisconsin RSA # 8, Inc., and that interim authority has not been assigned to any other entity. Therefore, under the express terms of the HDO, TDS properly is and remains the real party in interest in this proceeding, and the caption and issues should continue to so specify.

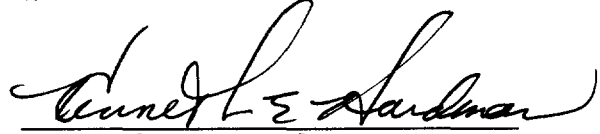
Since TDS was the original applicant and its application has been returned to pending status by the HDO, leave of the Presiding Judge would have to be obtained in order to substitute Wisconsin RSA # 8, Inc. as the applicant. No such leave has been sought by the motions under consideration. Moreover, since this proceeding is really about the character of TDS and its subsidiary USCC, substituting Wisconsin RSA # 8, Inc. as the applicant would serve no useful purpose, and potentially would be mischievous as well. Under all of these circumstances, movants have utterly failed to demonstrate why the relief sought in their motions should be granted, and accordingly, they should be denied.

Respectfully submitted,

CENTURY CELLUNET, INC.
CONTEL CELLULAR, INC.
COON VALLEY FARMERS TELEPHONE
COMPANY, INC.
FARMERS TELEPHONE COMPANY
HILLSBORO TELEPHONE COMPANY

LAVALLE TELEPHONE COOPERATIVE
MONROE COUNTY TELEPHONE COMPANY
MOUNT HOREB TELEPHONE COMPANY
NORTH-WEST CELLULAR, INC.
RICHLAND-GRANT TELEPHONE
COOPERATIVE, INC.
VERNON TELEPHONE COOPERATIVE
VIROQUA TELEPHONE COMPANY

By



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March 28, 1994

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of March, 1994, served the foregoing CONSOLIDATED OPPOSITION TO MOTION FOR LEAVE TO INTERVENE AND MOTION FOR MODIFICATION OF ISSUES AND CAPTION upon Administrative Law Judge Joseph P. Gonzalez and upon all parties of record and applicants for intervention by hand delivery or by mailing a true copy thereof, first class postage prepaid, to all such parties or their attorneys, as shown on the following list:

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